

MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
AIR QUALITY TECHNICAL ADVISORY COMMITTEE MEETING

Thursday, September 25, 2008
MAG Office
Phoenix, Arizona

MEMBERS PRESENT

John Kross, Town of Queen Creek, Chairman
#Shirley Gunther for David Fitzhugh, Avondale
Lucky Roberts, Buckeye
#Jim Weiss, Chandler
#Jamie McCullough, El Mirage
*Tami Ryall, Gilbert
Doug Kukino, Glendale
James Nichols, Goodyear
Scott Bouchie, Mesa
*Gaye Knight, Phoenix
#Larry Person, Scottsdale
Antonio DeLaCruz, Surprise
Oddvar Tveit, Tempe
#Mark Hannah, Youngtown
*Walter Bouchard, Citizen Representative
*Corey Woods, American Lung Association of Arizona
#Sam Villalobos for Barbara Sprungl, Salt River Project
Brian O'Donnell, Southwest Gas Corporation
Mark Hajduk, Arizona Public Service Company
*Gina Grey, Western States Petroleum Association
*Randi Alcott, Valley Metro
*Dave Berry, Arizona Motor Transport Association
Jeannette Fish, Maricopa County Farm Bureau
Steve Trussell for Russell Bowers, Arizona Rock
Products Association
*Michelle Rill, Greater Phoenix Chamber of Commerce

*Members neither present nor represented by proxy.
#Participated via telephone conference call.
+Participated via video conference call.

OTHERS PRESENT

Lindy Bauer, Maricopa Association of Governments
Julie Hoffman, Maricopa Association of Governments
Patrisia Magallon, Maricopa Association of
Governments
Cathy Arthur, Maricopa Association of Governments
Dean Giles, Maricopa Association of Governments
Randy Sedlacek, Maricopa Association of Governments
Steve Peplau, Arizona Department of Environmental
Quality
Jeff Paige, Rummel Construction Inc
Joonwon Joo, Arizona Department of Transportation

Amanda McGennis, Associated General
Contractors
Spencer Kamps, Homebuilders Association of
Central Arizona
Mannie Carpenter, Valley Forward
*Kai Umeda, University of Arizona Cooperative
Extension
Beverly Chenausky, Arizona Department of
Transportation
Diane Arnst, Arizona Department of
Environmental Quality
Wienke Tax, Environmental Protection Agency
Jo Crumbaker, Maricopa County Air Quality
Department
Duane Yantorno, Arizona Department of
Weights and Measures
Ed Stillings, Federal Highway Administration
*Judi Nelson, Arizona State University
Christopher Horan Salt River Pima-Maricopa
Indian Community
*David Rueckert, Citizen Representative

Joe Pampinella, CNS Management
Jane McVay, Arizona Department of Transportation
Michelle Wilson, City of Glendale
Ramona Simpson, Town of Queen Creek
Heather Hodgman, City of Apache Junction
Scott DiBiase, Pinal County
Russell VanLeuven, Arizona Department of
Agriculture
David Johnson, Town of Buckeye
Christine Nunez, City of Surprise

1. Call to Order

A meeting of the MAG Air Quality Technical Advisory Committee was conducted on September 25, 2008. John Kross, Town of Queen Creek, Chair, called the meeting to order at approximately 1:36 p.m. Jamie McCullough, City of El Mirage; Jim Weiss, City of Chandler; Shirley Gunther, City of Avondale; Larry Person, City of Scottsdale; and Wienke Tax, Environmental Protection Agency attended the meeting via telephone conference call.

2. Call to the Audience

Mr. Kross stated that, according to the MAG public comment process, members of the audience who wish to speak are requested to fill out comment cards, which are available on the tables adjacent to the doorways inside the meeting room. Citizens are asked not to exceed a three minute time period for their comments. Public comment is provided at the beginning of the meeting for nonagenda items and nonaction agenda items. He noted that no public comment cards had been received.

3. Approval of the May 27, 2008 Meeting Minutes

The Committee reviewed the minutes from the May 27, 2008 meeting. Doug Kukino, City of Glendale, moved and Scott Bouchie, City of Mesa, seconded and the motion to approve the May 27, 2008 meeting minutes carried unanimously.

4. Update on the Status of the MAG 2007 Five Percent Plan for PM-10

Lindy Bauer, Maricopa Association of Governments (MAG), provided an update on the status of the MAG 2007 Five Percent Plan for PM-10. She stated that on June 30, 2008 the plan was deemed to be complete by the Environmental Protection Agency (EPA). Ms. Bauer added that according to the Clean Air Act, EPA has twelve months from the completeness finding to take action on the Plan. She indicated that its anticipated that EPA will take action on the Plan by June 30, 2009. Ms. Bauer mentioned that the region needs to have three years of clean data at the monitors. She commented that the Committee will be provided with an update on the monitor data. Ms. Bauer stated that 2008 needs to be the first year of clean data. She added that the Arizona Department of Environmental Quality (ADEQ) has collected the ordinances that were mandated by Senate Bill 1552 and submitted them to EPA. Ms. Bauer indicated that the focus now would be on implementation of the measures and staying clean at the monitors.

Mark Hajduk, Arizona Public Service Company, inquired if the ordinances were public record and requested a copy of the ordinances. Ms. Bauer responded yes and mentioned that ADEQ has provided MAG with a complete copy of the ordinances. She added that MAG will provide a copy to Mr. Hajduk. Wienke Tax, EPA requested that Larry Person, City of Scottsdale inform the Committee what was discussed between them. Mr. Person indicated that several communities may have an interest in tweaking some of the ordinances since a short time frame was provided to add ordinances to the Plan. He stated that he discussed with Ms. Tax and Colleen McKaughan, EPA, their position toward having the cities submit possible amendments to the ordinances that have been submitted as a supplement to the Plan. Mr. Person added that the consensus was that EPA will entertain amendments to ordinances; however, the preference would be for a process to be set by all cities who are considering changes to submit amendments at the same time frame as the package to EPA to supplement the Plan. Ms. Tax mentioned that it would be too complicated and confusing to have the ordinances come in piece meal rather than in a package.

Mr. Kross inquired if any other cities are considering amendments. Oddvar Tveit, City of Tempe stated that the City is performing enforcement and delegation. Mr. Kross asked if it was in the implementation stage. Mr. Tveit responded yes. Jo Crumbaker, Maricopa County Air Quality Department stated that the County is making changes to the penalty portion of the ordinances. She added that the Justices of the Peace have requested additional flexibility. Ms. Crumbaker mentioned the parking ordinances on vacant lots and indicated that the County is decriminalizing the ordinance. She commented that the ordinance will have civil penalties in a scaled manner. Ms. Crumbaker stated that the County is adding scaled components to the off-highway vehicle ordinance. She mentioned that a number of cities have expressed interest in doing something similar. Ms. Crumbaker added that the cities have either copied the County or Senate Bill 1552 and their judges have the same perspective as the Justices of the Peace have that the County is dealing with. She indicated that the County is making those changes and they were emailed on Tuesday.

Ms. Bauer inquired if Mr. Hadjuk would still like a copy of what has been submitted. Mr. Hajduk responded yes and voiced his concerns on the ordinances that did not address easements and utility vehicles driving on easements during work periods which were addressed in Senate Bill 1552. He mentioned his uncertainty whether a public comment process is in place when the ordinances are drafted. Mr. Hadjuk added that he would like the ordinances to go through them and make sure that employees know what is expected of them when working in each city. He stated that he would like to know when there is an opportunity to amend an ordinance and be able to express his concerns with that city.

5. Update on the Air Quality Monitoring Data

Julie Hoffman, MAG, stated that the air quality monitoring data for 2008 indicates that there have been exceedances of the eight-hour ozone standard and the PM-10 standard in the region. She added that these exceedances have been compiled and provided to committee members at their places. Ms. Hoffman indicated that for ozone, the table shows the 2008 exceedances of the revised eight-hour ozone standard of .075 parts per million based on preliminary data available through September 23, 2008. She mentioned that the table indicates that the monitors that have exceeded the eight-hour ozone standard for this year. Ms. Hoffman added that the list of those exceedances for each monitor are listed in order of the daily maximum concentration. She mentioned that the monitoring sites that have a 4th high value greater than the standard are shown in bold on the table that was provided. She stated that there are 19 sites in the nonattainment area that monitor ozone. Ms. Hoffman added that the standard is calculated by taking the three year average of the 4th highest ozone concentration at each monitor. She commented that when comparing the three year periods, eleven of the 19 monitors have had their three year average for the current period of 2006, 2007 and 2008 decrease from the previous three year period of 2005, 2006, and 2007. Ms. Hoffman indicated that the concentration values are decreasing. Ms. Hoffman mentioned that an additional five monitors have had no change in the three year period and three have had an increase in their three year average.

Brian O'Donnell, Southwest Gas Corporation, stated that the Arizona Chamber of Commerce submitted a letter to EPA requesting that the implementation be delayed. He inquired if information was received from EPA to determine an implementation date. Ms. Tax replied that EPA has been sued not only by the Arizona Chamber of Commerce but by other environmental groups. She stated that they did not request a stay of the standards, therefore, EPA will continue to implement them until they are told otherwise.

Ms. Hoffman stated that a table has been provided for PM-10 which shows the exceedances that the region experienced in 2008. She added that there is a total of 10 exceedances. Ms. Hoffman indicated that the exceedances occurred on eight different dates at three different monitoring sites. She commented that the West 43rd Avenue monitor experienced five exceedances in 2008, four were at the Buckeye monitor and one at the Coyote Lakes monitor. Ms. Hoffman mentioned that ADEQ has been evaluating the exceedances to determine if they qualify as exceptional events. She stated that ADEQ will discuss the process and provide an update in the next agenda item.

Steve Trussell, Arizona Rock Products, inquired if Coyote Lakes was an official monitor. Ms. Crumbaker stated that the monitor was official in April. She added that she could remember the month but was uncertain of the year. Ms. Crumbaker commented that the perspective of EPA is that if the data exists then it will count as a monitor. She mentioned that the monitor does meet monitoring objectives so that it could be identified as part of the network. Mr. Trussell stated that his understanding was that the monitor was not set up according to EPA guidelines. Ms. Crumbaker responded that she did not know the answer to the question but would find out and let Mr. Trussell know.

6. Update on Air Quality Monitored Data Influenced by Exceptional Events

Steve Peplau, Arizona Department of Environmental Quality, stated that a handout was provided which presented the type of submissions produced for each individual day. He added that it has been difficult getting the events dating back to 2006. Mr. Peplau noted that the policy changed in early 2007. He commented that ADEQ has been working on 2008 and has been modifying the submissions to provide the additional information requested by EPA in support of an exceptional event. Mr. Peplau indicated that ADEQ submitted a large batch of exceptional events for consideration by EPA on September 16, 2008. He mentioned that a copy of the letter sent to Deborah Jordan, EPA, has been provided. Mr. Peplau added that the letter included the final submittal after the stakeholder process as well as the comment period from the public on final submissions. He provided the listing which included ten areas in Maricopa County, Yuma and Nogales. Mr. Peplau stated that EPA has 60 days to provide concurrence on the listing. He added that the data has been flagged in the EPA database; however, EPA has to concur in order for the data not to be used in a compliance calculation. Mr. Peplau indicated that they may not likely get a concurrence from EPA in 60 days. He commented on the possibility of an extension for the concurrence by EPA since it was a substantial package. Mr. Peplau mentioned that staff has been working on the package for months and gathering information such as the rear trajectory analysis and photos of the time that the event occurred. He stated that EPA requires that each event is matched with the 95 percentile of the region levels over the last five years. Mr. Peplau added that each event has to be compared against the percentile which is also listed on the pages that ADEQ submitted for an event. He commented that ADEQ's workload was the reason the package was submitted on September 16, 2008. Mr. Peplau provided the list of dates ADEQ is evaluating in 2008. He added that ADEQ is compiling data such as pictures, readings from the various sites, weather data and weather maps.

Mr. Peplau stated that ADEQ has ten candidate locations and seven dates that are being researched. He added that two events occurred on July 19, 2007. Mr. Peplau indicated that one event can be explained since there were some storm fronts and high winds that occurred; however, the event in Buckeye cannot be explained. He noted that ADEQ may not be able to explain every event that occurs. Mr. Peplau commented that the Buckeye monitor scored a high level at a different time than

several other monitors in the region in another event. He mentioned that multiple events can occur in the region. Mr. Peplau stated that the Buckeye monitor went off around three in the morning and had actual wind speeds in the range of two to four miles per hour which normally does not create a wind event. He indicated that ADEQ is perplexed over the event and will certainly be on the look out for any other explanation. Mr. Peplau mentioned that everyone needs to do their part in order to avoid a situation in which an unexplained event can happen.

Ms. Arnst inquired about the historical frequency box. Mr. Peplau responded that ADEQ has been reviewing five years of data. He added that they compare where the region was historically and what the weather was like at that moment. Mr. Peplau indicated that when an event occurs, ADEQ can show that it was well above what the region historically had for PM concentrations. He mentioned that the box contained data comparing the various monitors by site. Mr. Peplau mentioned that ADEQ is comparing the monitors that went off with the year and the seasonality.

Mr. Kross inquired about the length of time that EPA will take to make a determination on exceptional event reports. Mr. Peplau stated that ADEQ is required to flag the data within six months. He stated that ADEQ has two years to submit the data to EPA. Mr. Peplau added that EPA has 60 days to respond and they can ask for an extension if necessary. He mentioned that ADEQ was behind in getting the events written up since the policy has changed. Mr. Peplau commented on the workload that ADEQ staff has experienced. He stated that there will be an announcement for a stakeholder meeting to go over the 2008 events. Mr. Peplau added that ADEQ is currently working on those events and trying to get them in final form in order to satisfy the state stakeholder requirement as well as the federal comment period requirement. He noted that EPA requires that ADEQ provide the public with the final document for comment.

Mr. Kross inquired if there should be any concern with respect to the time it takes for preparation of the events and response from EPA relative to findings. Ms. Bauer responded that timing is not exactly perfect. She added that if there is a possibility that the region will not have three years of clean data, the Committee will need to know since the Clean Air Act will require that another year of five percent reductions of PM-10 emissions be added to the plan until the standard is attained. Ms. Bauer noted that exceptional events process seems to be a long process. She mentioned that ADEQ has been reporting the data early as well as reporting days that may be flagged. Ms. Bauer commented the ADEQ will notify MAG if there is a day that has an event with no explanation. Mr. Peplau stated that waiting for a concurrence will delay the ultimate determination of whether that day is not to be used for compliance determination. He added that if there is no response from EPA, the region may not know if they are in compliance with the plan. Mr. Peplau indicated that there is no guarantee that EPA will accept ADEQ's explanation for an event. He commented that ADEQ has not gone through enough of the events to have a historical feel for the criteria that may be acceptable to EPA. Mr. Peplau mentioned that ADEQ feels that the event days were very high windy days. He noted that the region receives 60 to 70 miles per hour winds. Ms. Bauer stated that when the region began to exceed the standard in November 2005, the region did not wait for EPA to notify MAG that a violation occurred and that a plan will be needed. She requested that EPA stay on track to evaluate the exceptional events in the region. Mr. Peplau mentioned that ADEQ will also be following up with EPA.

Spencer Kamps, Homebuilders Association of Central Arizona, inquired if there are 10 events to date in the year 2008. Mr. Peplau responded yes. Mr. Kamps inquired if the events have been flagged.

Mr. Peplau replied that all of the events have been flagged in the database and are in the process of being written up. He added that a comment field has been added to the database on the beliefs of what might have caused the event to occur. Mr. Peplau commented on the possibilities which may cause an event to occur. He mentioned that EPA has been sued for the policy. Mr. Peplau indicated that ADEQ is awaiting the decision from the court on the policy. Mr. Kross inquired if Mr. Peplau was referring to the exceptional event policy. Mr. Peplau responded yes. Mr. Kamps asked if ADEQ was compiling the data and sending it forward. Mr. Peplau responded yes and stated that the packaging is similar to the one provided to the Committee. He added that the package provided is a template of what ADEQ will be using for submissions. Mr. Peplau mentioned that ADEQ is pulling the information together and should have the final done in a month. Mr. Kamps inquired if the events will be packaged together. Mr. Peplau responded yes. Mr. Kamps asked if three exceedances are allowed over three years. Ms. Bauer responded that no more than three exceedances per monitor are allowed over a three year period. Mr. Kamps inquired about the time frame after submittal for EPA to review. Mr. Peplau responded that the timing is unknown since EPA staff is reviewing events from five to six states and are trying to be consistent amongst the states in their response. Mr. Kamps inquired if the Buckeye monitor was official. Ms. Crumbaker responded that the monitor is not in the PM-10 nonattainment area; however, it is an official monitor.

7. Update on CMAQ Projects for the Federal Fiscal Year 2008 Interim Year End Closeout

Dean Giles, MAG, provided an update on Congestion Mitigation Air Quality (CMAQ) projects for the Federal Fiscal Year 2008 Interim Year End Closeout. He stated that the Committee made a recommendation on May 27, 2008 to forward the evaluation of the proposed CMAQ projects to the TRC for use in prioritizing them. He added that an approximate \$4.7 million was available for project funding in the interim closeout. Mr. Giles mentioned that the Committee also made a recommendation to forward one air quality project which contained the remaining 12 street sweeper projects from Fiscal Year 2008. He indicated that the TRC made a recommendation to advance additional funding to 18 projects during the closeout. Mr. Giles stated that the Management Committee concurred with the recommendation. He added that three projects in addition to the 18 projects were placed on a contingency list. Mr. Giles mentioned that the MAG Regional Council took final action in July 2008 on the final closeout. He indicated that the two projects with the highest PM-10 reductions which were the PM-10 certified street sweepers and the metro light rail project were provided with additional funding.

Beverly Chenausky, Arizona Department of Transportation (ADOT), inquired if letters were sent out about the purchasing of the street sweepers by the Regional Council. Mr. Giles responded that MAG received a notification from ADOT for the funding for 12 street sweepers in September. He added that the local agencies on the remaining list have been provided with letters indicating that they can proceed with the procurement of sweepers. Mr. Kamps inquired if additional CMAQ money is available to focus on street sweeping around the areas that are flagged in the region. Ms. Bauer responded that MAG will be going through the process. She added that projects were due to MAG on September 19, 2008. Ms. Bauer mentioned that MAG will be following the new draft principles for federal funding that were developed by the stakeholder's group. She commented that the street sweepers and the unpaved road projects are pilot tests of the new draft process. Ms. Bauer indicated that they will be coming to the December 11, 2008 Air Quality Technical Advisory Committee meeting. Mr. Giles stated that MAG has received an overwhelming response from local agencies for paving unpaved roads and street sweepers for more funding than is available.

8. Call for Future Agenda Items

Mr. Kross requested that an update be given from Maricopa County on the status of their enforcement program. Ms. Crumbaker stated that she will be happy to coordinate the update. She indicated that they have a new Maricopa County Air Quality Department Director. Ms. Bauer stated that Ms. Arnst had indicated at the May 27, 2008 meeting that the agenda and materials were not received at ADEQ and she had to download the information from the website. Ms. Bauer added that MAG would like the record to reflect that MAG staff contacted Ms. Arnst and confirmed the address in the MAG mail list database. She mentioned that Ms. Arnst indicated that the problem was at the ADEQ end. She would like the minutes to reflect that MAG staff had followed through.

Amanda McGennis, Associated General Contractors, requested an update on Rule 310.01 along with Rule 310 to show the efforts being done on the vacant lot program. She also requested information on the status of the ombudsman. Ms. Crumbaker responded that she did not have information on that but will follow up with that request. Ms. Arnst inquired about the Ozone Maintenance Plan. Ms. Bauer responded that MAG will be reporting on the Plan at the December 11, 2008 meeting. She added that MAG is currently working on the modeling and has just received the County 2005 Periodic Emissions Inventory. Ms. Tax requested to have a presentation on the Gila River Tribal Implementation Plan. Ms. Bauer replied that MAG has continuously followed up with the Gila River Indian Community. She added that Dan Blair has indicated that he talked to Ms. Tax and explained the reason why the Gila River Indian Community was uncomfortable to provide a presentation. Ms. Tax stated that the issues with the permit program have been resolved and expects that the Gila River Indian Community can now provide a presentation. Ms. Bauer responded that MAG will follow up with the Gila River Indian Community.

Mr. Kross announced that the next meeting of the Committee has been tentatively scheduled for December 11, 2008 at 1:30 p.m. With no further comments, the meeting was adjourned.